



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,391	07/31/2001	Gregory P. Fitzpatrick	BOC9-2000-0084(219)	3428

40987 7590 07/31/2006

AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,391	Applicant(s) FITZPATRICK ET AL.	
	Examiner Willie J. Daniel, Jr.	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 18 January 2006. **Claims 1-20** are now pending in the present application. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 January 2006 has been entered.

Double Patenting

3. The objections applied to the claims are withdrawn, as the proposed claim correction is approved.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 recites the limitation "...from said handheld device..." in lines 7-8 of the claim.

The applicant on pg. 4, 4th ¶ of remarks section states, "...p. 3, line 10 - p. 4, line 7; and p. 9, lines 9-21..." as support for the claimed limitation. The cited area does not mention "...from said handheld device...". The applicant is advised to review the subject matter of the specification (see pg. 8, lines 11-19; and pg. 10, lines 1-5), which clearly states the local information is provided from said local time source (150).

Claim 16 recites the limitation "...**automatically** determining whether to complete said telephone call..." in lines 9-10 of the claim. The applicant on pg. 4, 4th ¶ of remarks section states, "...p. 3, line 10 - p. 4, line 7; and p. 9, lines 9-21..." as support for the claimed limitation. The cited area does not mention "...**automatically** determining whether to complete said telephone call ...". The applicant is advised to review the subject matter of the specification (see pg. 6, lines 7-13; pg. 9, lines 11-13; pg. 10, lines 5-11), which clearly states the originating party determines that a call is to be connected.

Art Unit: 2617

Claim 16 recites the limitation "...said alert signal **identifying** said calling party..." in lines 14-15 of the claim. The applicant on pg. 4, 4th ¶ of remarks section states, "...p. 3, line 10 - p. 4, line 7; and p. 9, lines 9-21..." (also, see pg. 9, 3rd ¶) as support for the claimed limitation. The cited area does not mention "...said alert signal **identifying** said calling party ...". The applicant is advised to review the subject matter of the specification (see pg. 6, lines 5-8; pg. 10, lines 8-9), which clearly states the alert signal is a ring tone. Therefore, this limitation is not being examined on the merits.

Regarding **Claims 8 and 16**, the claims include limitations that are not supported by the specification as originally filed. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

5. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Objections

6. **Claim 8** is objected to because of the following informalities:
 - a. **Claim 8** has been amended but Applicant failed to properly label the claim with a status identifier such as (Currently Amended). See MPEP § 714 and 37 CFR 1.121(c)
Appropriate correction is required.
7. This list of example(s) is not intended to be exhaustive

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7-10, 12-13, 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al.** (hereinafter Rignell) (**US 5,818,920**) in view of **Wang et al.** (hereinafter Wang) (**US 6,934,543 B2**).

Regarding **claim 1**, Rignell discloses a method for providing call which reads on the claimed “message” recipient local information (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to send a mobile call which reads on the claimed “mobile message” from a sending party (e.g., subscriber A) to a receiving handheld terminal (C) which reads on the claimed “device” of a receiving party (e.g., subscriber C) (see col. 5, lines 5-21);

responsive to said identifying step, determining information local to said receiving party (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said location information indicates whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the “not to be disturbed” would be inherent

Art Unit: 2617

to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

providing said determined local information to said sending party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C). Rignell does not specifically disclose having the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party.

However, the examiner maintains that the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature sending an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A) (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

Regarding **claim 2**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 1), in addition Rignell further discloses the method according to claim 1, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (C) is located (see col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 4**, Rignell discloses a method for providing message recipient local information (see abstract; col. 7, lines 6-25; Figs. 2-3) comprising the steps of:

initiating a mobile message (call) between a sending party (A) and a receiving handheld device (B) of a receiving party (e.g., subscriber B) (see col. 7, lines 6-25; Fig. 3);

receiving local information from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18; col. 4, lines 60-64; Fig. 3), where the local information is provided in which the “service provider” would be inherent to provide call communication between subscriber A and B via communication system (10) as evidenced by the fact that one of ordinary skill in the art would clearly recognized,

wherein said location information indicates whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

processing said mobile message (call) based on said received local information (see col. 7, lines 15-25; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the call would be

processed by the calling subscriber according to the local information of the called subscriber. Rignell does not specifically disclose having the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party. However, the examiner maintains that the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature sending an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A) (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

Regarding **claim 5**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 4), in addition Rignell further discloses the method according to claim 4, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (B)

Art Unit: 2617

is located (see col. 7, lines 15-18; col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 7**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 4), in addition Rignell further discloses the method according to 4, wherein said processing step comprises, selecting an action from the group of actions consisting of connect which reads on the claimed "sending" said mobile message (call) to said receiving handheld device (B), sending said mobile message (call) to a mail box (e.g., answering machine), and not sending said mobile message (call) (see col. 7, line 18-25; col. 8, lines 23-25; Fig. 3), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

Regarding **claim 8**, Rignell discloses a system for providing location-based recipient information (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 6, line 60 - col. 7, line 25; Figs. 1-4) comprising:

a wireless service provider for providing wireless telephony services to a network of handheld devices (see col. 6, line 60 - col. 7, line 25; Fig. 3);

a notification system configured to provide local information acquired from said handheld device in response to an attempt to send a mobile message (call) from a sending party to a handheld device a receiving party in said network (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN is the source that provides the local time,

said location information indicating whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized

said notification system being further configured to provide said local information prior to sending said mobile message (call) (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN is the source that provides the local time,

said notification system being yet further configured to delay sending said mobile message (call) until a decision to affirmatively send said mobile message (call) is made at said originating source (A) based on said provided local information (see col. 7, lines 6-25; col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the local information is provided prior to connecting (sending) the call in which the system waits until the subscriber confirms to connection (sending). Rignell does not specifically disclose having the feature said notification system being still further configured to send an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party. However, the examiner maintains that the feature said notification system being still further configured to send an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature said notification system being still further configured to send an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A) (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature said notification system being still further configured to send an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

Regarding **claim 9**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, line 6-25; Figs. 1-3) the steps of:

identifying an attempt to send a mobile message (call) from a sending party (A) to a receiving handheld device (C) of a receiving party (see col. 5, lines 5-21);

responsive to said identifying step, determining information local to said receiving party (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said location information indicates whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

providing said determined local information to said sending party (A) (see col. 5, lines 15-19; col. 7, lines 6-25; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C). Rignell does not specifically disclose having the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party. However, the examiner maintains that the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature sending an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A) (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 10**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 9), in addition Rignell further discloses the machine readable storage according to claim 9, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (C) is located (see col. 5, lines 15-19; col. 7, lines 15-18; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 12**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, lines 6-25; Figs. 1-3) the steps of:

initiating a mobile message (call) between a sending party (A) and a receiving handheld device (B) of a receiving party (see col. 7, lines 6-25; Fig. 3);

receiving local information from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18; col. 4, lines 60-64), where the local information is provided in which the service provider would be obvious,

wherein said location information indicates whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

processing said mobile message (call) based on said received local information (see col. 7, lines 6-25; col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the call would be processed by the calling subscriber according to the local information of the called subscriber. Rignell does not specifically disclose having the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party. However, the examiner maintains that the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature sending an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A) (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent

by the sending party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 13**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 12), in addition Rignell further discloses the machine readable storage according to claim 12, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (B) is located (see col. 7, lines 15-18; col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 15**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 12), in addition Rignell further discloses the machine readable storage according to 12, wherein said processing step comprises, selecting an action from the group of actions consisting of sending said mobile message (call) to said receiving handheld device (B), sending said mobile message (call) to a mail box (e.g., answering machine), and not sending said mobile message (call) (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

Regarding **Claim 16**, Rignell discloses a method for providing subscriber which reads on the claimed "call recipient" local information (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to establish a call which reads on the claimed “telephone call” between a calling party (A) and a receiving handheld terminal (C) which reads on the claimed “device” of a called party (e.g., subscriber C) (see col. 5, lines 5-21;);

responsive to said identifying step, determining information local to said receiving handheld device (C) (see col. 5, lines 15-19; col. 4, lines 60-64; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said location information indicates whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

automatically determining whether to complete said telephone call or terminate said telephone call based upon said determined local information, wherein the local information includes a time and at least one of a date, day and location (e.g., Time Zone 2 or geographic area) where the receiving handheld device (C) is located (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; col. 7, lines 56-64,41-49; Figs. 1-4), where the calling subscriber can confirm or decide whether to complete the connection or discontinue. Also, calls from a subscriber in a non-restricted time are connected in which the automatic determining would be inherent to allow calls such as from the same time zone, important calls, or non-restricted time to be connected as evidenced by the fact that one of ordinary skill in the art would clearly recognized. Rignell does not specifically disclose having the feature sending an alert signal to said receiving handheld device if the message is indicated

as urgent by the sending party, said alert signal identifying said calling party. However, the examiner maintains that the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, said alert signal identifying said calling party was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature sending an alert signal (e.g., call) to said receiving handheld device (MS B) if the message is indicated as urgent by the sending party (MS A), said alert signal identifying said calling party (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the feature sending an alert signal to said receiving handheld device if the message is indicated as urgent by the sending party, said alert signal identifying said calling party, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

Regarding **Claim 17**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, wherein the local information includes a time and two of a date, day, and location (e.g., Time Zone 2 or geographic area) where said receiving device is located (see col. 5,

lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; col. 4, lines 60-64; Figs. 1-4), where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth.

Regarding **Claim 18**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, wherein the local information includes a time, a date, a day, and location (e.g., Time Zone 2 or geographic area) where said receiving device is located (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth.

Regarding **Claim 20**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, the local information includes a location (e.g., Time Zone 2 or geographic area) where said receiving device is located (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; col. 7, lines 11-18; Figs. 1-4), where the calling device is informed of the time zone of a receiving device. Time zone is the geographic location or region the receiving device is located in relative to the location of the calling device which is based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth.

Art Unit: 2617

Claims 3, 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al.** (hereinafter Rignell) (US 5,818,920) in view of **Wang et al.** (hereinafter Wang) (US 6,934,543 B2) as applied to claims 2, 4, 9, and 12 above, and further in view of **Labban** (US 6,574,486 B1).

Regarding **claim 3**, the combination of Rignell and Wang discloses everything claimed as applied above in claim 16. The combination of Rignell and Wang does not specifically disclose the feature wherein said mobile non-voice message is a text message. However, the examiner maintains that the feature wherein said mobile non-voice message is a text message was well known in the art, as taught by Labban.

In the same field of endeavor, Labban discloses the feature wherein said mobile non-voice message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Wang, and Labban to have the feature wherein said mobile non-voice message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26).

Regarding **claim 6**, the combination of Rignell and Wang discloses everything claimed as applied above in claim 4. The combination of Rignell and Wang does not specifically disclose the feature wherein said mobile non-voice message is a text message.

However, the examiner maintains that the feature wherein said mobile non-voice message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile non-voice message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Wang, and Labban to have the feature wherein said mobile non-voice message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26).

Regarding **claim 11**, the combination of Rignell and Wang discloses everything claimed as applied above in claim 9. The combination of Rignell and Wang does not specifically disclose the feature wherein said mobile non-voice message is a text message. However, the examiner maintains that the feature wherein said mobile non-voice message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile non-voice message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Wang, and Labban to have the

Art Unit: 2617

feature wherein said mobile non-voice message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26).

Regarding **claim 14**, the combination of Rignell and Wang discloses everything claimed as applied above in claim 12. The combination of Rignell and Wang does not specifically disclose the feature wherein said mobile non-voice message is a text message. However, the examiner maintains that the feature wherein said mobile non-voice message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile non-voice message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Wang, and Labban to have the feature wherein said mobile non-voice message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26).

Art Unit: 2617

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al.** (hereinafter Rignell) (**US 5,818,920**) in view of **Wang et al.** (hereinafter Wang) (**US 6,934,543 B2**) as applied to claim 16 above, and further in view of **Moon et al.** (hereinafter Moon) (**US 6,075,992**).

Regarding **claim 19**, the combination of Rignell and Wang discloses everything claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, further comprising the step of: based on the local information, deferring said telephone call (see col. 8, lines 23-25; col. 7, lines 18-25), where the calling subscriber can deferred such as being directed to an answering machine. The combination of Rignell and Wang does not specifically disclose having the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party. However, the examiner maintains that the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party was well known in the art, as taught by Moon.

In the same field of endeavor, Moon discloses the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party (see col. 5, line 18 - col. 6, line 7; col. 7, lines 4-9; Figs. 1, 7), where the portable intelligent communications device (10) can automatically place a call by scheduling the call according to time ranges.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Moon to have the feature which results in placing the call at an appropriate time as defined by at least one the calling

Art Unit: 2617

party and the called party, in order to automatically initiate a call to a recipient depending on the local time of such recipient, as taught by (see col. 1, lines 63-64; col. 2, lines 9-12).

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

Art Unit: 2617

(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJD,JR
24 July 2006


ERIKA A. GARY
PRIMARY EXAMINER